

1989 MAR 14 PM 1:24

I certify that the attached is a true and
correct copy of HB 1613, which
was filed of record on FEB 28 1989
and referred to the committee on:

HOUSE OF REPRESENTATIVES

State Affairs

Betty M. Moseley
Chief Clerk of the House

FILED FEB 28 1989

By Earley

H.B. No. 1613

A BILL TO BE ENTITLED

AN ACT

relating to the creation, powers, and duties of the Office of the
State Personnel Director.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Employment
Commission.

(2) "Director" means the state personnel director.

(3) "Office" means the Office of the State Personnel
Director.

(4) "State agency" means a department, commission,
board, office, or other agency in the executive branch of state
government created by the constitution or a statute of this state.

SECTION 2. EXEMPTIONS. This Act does not apply to:

(1) an institution of higher education, as defined by
Section 61.003, Education Code;

(2) the Texas Department of Corrections;

(3) the Central Education Agency;

(4) the Texas Employment Commission;

(5) the Texas Department of Health;

(6) the State Department of Highways and Public
Transportation;

(7) the Texas Department of Human Services;

(8) the Texas Department of Mental Health and Mental

1 Retardation;

2 (9) the Parks and Wildlife Department;

3 (10) the Department of Public Safety;

4 (11) the State Purchasing and General Services
5 Commission;

6 (12) the Texas Rehabilitation Commission;

7 (13) the Texas Water Commission; or

8 (14) the Texas Youth Commission.

9 SECTION 3. OFFICE; PERSONNEL DIRECTOR; STAFF. (a) The
10 Office of the State Personnel Director is created in the Texas
11 Employment Commission. The office is under the direction of the
12 state personnel director appointed by the administrator of the
13 commission. To be eligible for appointment as state personnel
14 director, a person must have a minimum of six years' experience in
15 personnel management work, or an equivalent period of relevant
16 experience in related work in state employment. The director is
17 entitled to an annual salary as set in the General Appropriations
18 Act. The director serves at the pleasure of the administrator of
19 the commission.

20 (b) The commission shall provide the office with facilities,
21 equipment, and data processing services. The director shall hire
22 the staff of the office as necessary to perform the duties imposed
23 under this Act.

24 (c) The director may make agreements with state agencies for
25 the temporary services of employees of those agencies.

26 SECTION 4. GUIDELINES. (a) The office by rule shall
27 develop and adopt uniform guidelines for state agency personnel

1 programs. The guidelines must include recommendations relating to
2 the maintenance of personnel files and basic personnel policies.

3 (b) Except as provided by Subsection (c) of this section,
4 each state agency shall implement personnel policies based on the
5 uniform guidelines. The office shall monitor the implementation of
6 the guidelines and shall report violations of the guidelines to the
7 commission for review.

8 (c) With the approval of the commission, a state agency may
9 adapt guidelines adopted under Subsection (a) of this section to
10 meet the special requirements of that agency.

11 SECTION 5. GENERAL DUTIES OF OFFICE. The office shall:

12 (1) establish minimum standards for job-task-based
13 performance evaluations that shall be applied by each state agency
14 in the development of a performance evaluation system;

15 (2) review state laws and policies relating to
16 compensation, equal opportunity, benefits, supervisory and
17 management training of employees of state agencies, and other state
18 personnel matters;

19 (3) advise state agencies of interpretations made by
20 the office as a part of that review;

21 (4) assist state agencies in the development of
22 supervisory and management training programs;

23 (5) provide, on request, technical assistance to state
24 agencies in areas related to personnel;

25 (6) implement a statewide procedure designed to review
26 state agency personnel programs and to compare those programs with
27 the uniform personnel guidelines adopted under Section 4 of this

1 Act;

2 (7) maintain a centralized source of legal information
3 relating to state personnel issues, including information relating
4 to:

5 (A) statutes enacted by each legislature;

6 (B) the personnel provisions of the General
7 Appropriations Act; and

8 (C) relevant attorney general opinions; and

9 (8) develop uniform grievance procedures for use by
10 state agencies.

11 SECTION 6. EMPLOYMENT INFORMATION. The office shall serve
12 as a central information resource for the recruitment, screening,
13 and referral of applicants for state employment. With the
14 assistance of the commission, the office shall operate a
15 recruitment information office in Austin.

16 SECTION 7. POWERS OF STATE AGENCIES NOT INFRINGED. The
17 office may not infringe on the authority of the administrative
18 director of a state agency to hire employees, terminate the
19 employment of employees, or otherwise operate the personnel program
20 of that agency within the uniform guidelines adopted under Section
21 4 of this Act.

22 SECTION 8. STUDIES AND REPORTS. (a) The office may conduct
23 studies on state personnel matters as it considers necessary,
24 including studies of compliance by state agencies with this Act,
25 and biennial studies of state compensation, including analyses of
26 both benefits and salary.

27 (b) The office shall report its findings and recommendations

1 to the governor and the Legislative Budget Board before October 1
2 immediately preceding each regular session of the legislature.

3 SECTION 9. APPLICATION OF SUNSET ACT. The Office of the
4 State Personnel Director is subject to the Texas Sunset Act
5 (Chapter 325, Government Code), but it is not abolished under that
6 Act. The office shall be reviewed under the Texas Sunset Act
7 during the period in which state agencies abolished September 1,
8 1993, and of every 12th year after 1993 are reviewed.

9 SECTION 10. EFFECTIVE DATE. (a) This Act takes effect
10 September 1, 1989.

11 (b) The Office of the State Personnel Director shall
12 establish the minimum standards for job-task-based evaluations
13 before September 1, 1990.

14 SECTION 11. EMERGENCY. The importance of this legislation
15 and the crowded condition of the calendars in both houses create an
16 emergency and an imperative public necessity that the
17 constitutional rule requiring bills to be read on three several
18 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

89 MAY 15 PM 9: 12
HOUSE OF REPRESENTATIVES

1st. Printing

By Earley

H.B. No. 1613

Substitute the following for H.B. No. 1613:

By Guerrero

C.S.H.B. No. 1613

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(5) the Texas Department of Health;

(6) the State Department of Highways and Public Transportation;

(7) the Texas Department of Human Services;

(8) the Texas Department of Mental Health and Mental

1 Retardation;

2 (9) the Parks and Wildlife Department;

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4 (11) the State Purchasing and General Services
5 Commission;

6 (12) the Texas Rehabilitation Commission;

7 (13) the Texas Water Commission;

8 (14) the Texas Youth Commission; or

9 (15) the Texas Department of Commerce.

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11 Office of the State Personnel Director is created in the Texas
12 Employment Commission. The office is under the direction of the
13 state personnel director appointed by the administrator of the
14 commission. To be eligible for appointment as state personnel
15 director, a person must have a minimum of six years' experience in
16 personnel management work, or an equivalent period of relevant
17 experience in related work in state employment. The director is
18 entitled to an annual salary as set in the General Appropriations
19 Act. The director serves at the pleasure of the administrator of
20 the commission.

21 (b) The commission shall provide the office with facilities,
22 equipment, and data processing services. The director shall hire
23 the staff of the office as necessary to perform the duties imposed
24 under this Act.

25 (c) The director may make agreements with state agencies for
26 the temporary services of employees of those agencies.

27 SECTION 4. GUIDELINES. (a) The office by rule shall

1 develop and adopt uniform guidelines for state agency personnel
2 programs. The guidelines must include recommendations relating to
3 the maintenance of personnel files and basic personnel policies.

4 (b) Each state agency may implement personnel policies based
5 on the uniform guidelines. The office shall monitor the
6 implementation of the guidelines.

7 SECTION 5. GENERAL DUTIES OF OFFICE. The office shall:

8 (1) establish minimum guidelines for job-task-based
9 performance evaluations for use by each state agency in the
10 development of a performance evaluation system;

11 (2) provide assistance relating to and interpretations
12 of state laws and policies relating to compensation, equal
13 opportunity, benefits, supervisory and management training of
14 employees of state agencies, and other state personnel matters;

15 (3) assist state agencies in the development of
16 supervisory and management training programs;

17 (4) provide, on request, technical assistance to state
18 agencies in other areas related to personnel; and

19 (5) develop guidelines for uniform grievance
20 procedures for use by state agencies.

21 SECTION 6. EMPLOYMENT INFORMATION. The office shall serve
22 as a central information resource for applicants for state
23 employment.

24 SECTION 7. POWERS OF STATE AGENCIES NOT INFRINGED. The
25 office may not infringe on the authority of the administrative
26 director of a state agency to hire employees, terminate the
27 employment of employees, or otherwise operate the personnel program

1 of that agency.

2 SECTION 8. STUDIES AND REPORTS. (a) The office may conduct
3 studies on state personnel matters as it considers necessary.

4 (b) The office shall report its findings and recommendations
5 to the governor and the Legislative Budget Board before October 1
6 immediately preceding each regular session of the legislature.

7 SECTION 9. APPLICATION OF SUNSET ACT. The Office of the
8 State Personnel Director is subject to the Texas Sunset Act
9 (Chapter 325, Government Code), but it is not abolished under that
10 Act. The office shall be reviewed under the Texas Sunset Act
11 during the period in which state agencies abolished September 1,
12 1995, and of every 12th year after 1995 are reviewed.

13 SECTION 10. EFFECTIVE DATE. (a) This Act takes effect
14 September 1, 1989.

15 (b) The Office of the State Personnel Director shall
16 establish the minimum guidelines for job-task-based evaluations
17 before September 1, 1990.

18 SECTION 11. EMERGENCY. The importance of this legislation
19 and the crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-4-89
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HB 1613 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

- () do pass, without amendment.
() do pass, with amendment(s).
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

A criminal justice policy impact statement was prepared. () yes ☒ no

A water development policy impact statement was requested. () yes ☒ no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure ☒ proposes new law. () amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			X	
Guerrero, V.C.	X			
Tallas, C.B.O.	X			
Cain				X
Gibson	X			
Harrison	X			
Hilbert	X			
Hury				X
Jones	X			
Oakley	X			
Perez	X			
Saunders	X			
Smith, T.				X

Total
9 aye
0 nay
1 present, not voting
3 absent

Gib Lewis
CHAIRMAN
Deborah K. Wall
COMMITTEE COORDINATOR

BILL ANALYSIS

Background

There is currently no single office that coordinates state agency personnel policies and procedures. Each agency develops its own personnel programs and policies. There is currently a classification officer in the State Auditors office to advise and assist state agencies with respect to classification of state jobs.

Purpose

To establish the Office of State Personnel Director.

Section by Section Analysis

SECTION 1. Definitions.

SECTION 2. Exempts certain agencies from the application of this act.

SECTION 3. Provides for the creation of the Office of State Personnel Director in the Texas Employment Commission. Provides for the term and required experience of the officer.

SECTION 4. Requires the office to adopt agency-wide policies and procedures guidelines and requires agencies to adopt policies consistent with these guidelines.

SECTION 5. Provides for the general duties of the office.

SECTION 6. Requires that the office shall serve as a central information resource for state job applicants.

SECTION 7. Provides that the office may not infringe on the power of state agencies to hire, terminate or otherwise operate their personnel programs.

SECTION 8. Permits the office to conduct studies and reports and submit findings and recommendations to the Legislature.

SECTION 9. Sunset Act applies.

SECTION 10. Effective Date.

SECTION 11. Emergency Clause.

Rulemaking Authority

It is the opinion of the committee that this bill delegates the following rulemaking authority: in SECTION 4 it provides that the office may establish, by rule, uniform guidelines for state agency personnel programs.

Summary of Committee Action

On April 24, 1989, the committee considered HB1613 in a formal meeting pursuant to notice posted in accordance with the Rules of the House. Liz Minnik, representing the Texas Eagle Form, testified against the measure. At that time the bill was left pending.

On May 4, 1989, in a formal meeting pursuant to an announcement from the floor of the House, the committee voted to report HB 1613 to the full House, with a complete substitute and with the recommendation it do pass by a record vote of 9 ayes, no nays, 1 PNV and 3 members absent.

Comparison of the Original to the Substitute

The substitute bill exempts the Department of Commerce from the terms of the Act. The original bill required the agency to "review state laws and policies relating to compensation, equal opportunity, benefits, supervisory and management training of employees of state agencies, and other state personnel matters" and the substitute states that the shall shall "provide assistance to and interpretations of" such matters. The substitute also deletes the requirements that the agency implement a statewide procedure to review agency personnel programs and maintain a centralized source of legal information relating to personnel issues. The original bill set the agency up as a central recruiting and screening office for state job applicants. The substitute states that the agency shall serve as an information resource for those applicants. The substitute deletes the reference in the original bill to studies of state compensation.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 9, 1989

TO: Honorable James E. "Pete" Laney, Chair In Re: Committee Substitute
Committee on State Affairs for House Bill No. 1613
House of Representatives
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1613 (relating to the creation, powers, and duties of the Office of the State Personnel Director) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would create an Office of the State Personnel Director in the Texas Employment Commission.

The administrator of the Texas Employment Commission would appoint the State Personnel Director. The Texas Employment Commission would provide the Office of the State Personnel Director with facilities, equipment, and data processing services. The Director would hire staff as necessary. The Director could make agreements with state agencies for the temporary services of employees of those agencies.

The office created by the bill would develop and adopt uniform guidelines for state agency personnel programs. State agencies would be required to implement personnel policies based on these uniform guidelines. The office would monitor the implementation of the guidelines.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$196,160	+ 3
1991	196,160	+ 3
1992	196,160	+ 3
1993	196,160	+ 3
1994	196,160	+ 3

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Employment Commission;
LBB Staff: JO, JWH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 24, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1613
By: Earley

FROM: Jim Oliver, Director

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Source: Employment Commission;
LBB Staff: JO, JWH, AL, CKM

ADOPTED as amended

MAY 22 1989

Ernest M. ...
Chief Clerk
House of Representatives

By Earley

H.B. No. 1613

Substitute the following for H.B. No. 1613:

By *Genero*

C.S.H.B. No. 1613

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21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

AMENDMENT NO. ①

acceptable
By Kubiak

Amend C.S.H.B. No. 1613 on page 4 by deleting lines 2 through 6 and inserting the following:

"SECTION 8. STUDIES AND REPORTS. (a) The office may collect information in order to fulfill its function to provide technical assistance to state agencies; however, in order that the free market economy continue to guide the pay levels of state employees, no study shall be conducted which attempts to establish the comparable value or worth of one job as compared to another job."

ADOPTED

MAY 22 1989

Betty Wenzel
Chief Clerk
House of Representatives

H. B. No. 1613

By Earley

A BILL TO BE ENTITLED

AN ACT

relating to the creation, powers, and duties of the Office of the State
Personnel Director.

FEB 28 1989

1. Filed with the Chief Clerk.

MAR 13 1989

2. Read first time and Referred to Committee on

State Affairs

MAY 4 1989

3. Reported favorably ^(recommended) _(as substituted) and sent to Printer at 2:00pm
MAY 15 1989

MAY 15 1989

4. Printed and distributed at 9:12pm

MAY 16 1989

5. Sent to Committee on Calendars at 10:31 am

MAY 22 1989

Motion to Table HB 1613 prevailed by record vote of 65 yeas 66 nays 0 aye

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting).

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES
89 MAY 15 PM 9:12